

Applicant Initiated Interview Request Form

Application No.: 10/771,987 First Named Applicant: Seth
Examiner: Melissa Perreira Art Unit: 1618 Status of Application: final reject

Tentative Participants:

- (1) Mark Frentrup, Reg. No. 41,026 (2) Supervisory Examiner Hartley
(3) Examiner Perreira (4) _____

Proposed Date of Interview: Oct 29, 30, 31 Proposed Time: any (☐AM ☐PM)

Type of Interview Requested:

- (1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

| Issue (Reg., Obj., etc.) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|-------------------------------------|--------------------|--------------|--------------------------|--------------------------|--------------------------|
| (1) <u>Rule 132 declaration</u> | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

1. Joint applicants' Rule 132 declaration is sufficient to remove Seth reference (US 6,350,471) because it contains an "unequivocal statement" from the applicants regarding the subject matter in a patent. According to MPEP 716.02, such a statement "will be accepted as establishing inventorship."

2. Because applicants' have established they invented the subject matter disclosed in the Seth reference, the reference does not evidence prior invention or prior knowledge by another, and so is not prior art under 102(a) or 102(e).

3. Because the Seth reference is not a statutory bar under 102(b), the declaration removes the reference as prior art against the claims.

4. Without the Seth reference, the claims are allowable.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by application and submitted to the examiner in advance of the interview (see MPEP § 713.01)

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Mark A. Frentrup
(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)